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5 *Attorney for Plaintiffs*

6 IN THE UNITED STATE DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8		)	CASE NO. MD-15-02641-PHX-DGC
9		)	
10	IN RE BARD IVC FILTERS	)	<b>AMENDED MASTER SHORT FORM COMPLAINT</b>
	PRODUCTS LIABILITY LITIGATION	)	<b>FOR DAMAGES FOR INDIVIDUAL CLAIMS</b>
11		)	<b>(FIRST AMENDED)</b>

12  
13 Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the  
14 Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

15 1. Plaintiff/Deceased Party:

16 Stephen Nitzsche

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

18 ~~NA~~ **Cindy Nitzsche**

19 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

20 N/A

21 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of  
22 implant:

23 Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Texas

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

✓ Denali® Vena Cava Filter

☐ Other:

11. Date of Implantation as to each product:

04/17/2014

12. Counts in the Master Complaint brought by Plaintiff(s):

✓ Count I: Strict Products Liability – Manufacturing Defect

✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)

✓ Count III: Strict Products Liability – Design Defect

✓ Count IV: Negligence – Design

✓ Count V: Negligence – Manufacture

✓ Count VI: Negligence – Failure to Recall/Retrofit

✓ Count VII: Negligence – Failure to Warn

✓ Count VIII: Negligent Misrepresentation

✓ Count IX: Negligence Per Se

✓ Count X: Breach of Express Warranty

✓ Count XI: Breach of Implied Warranty

✓ Count XII: Fraudulent Misrepresentation

✓ Count XIV: Violations of Applicable Texas Law Prohibiting Consumer Fraud  
and Unfair and Deceptive Trade Practices

✓ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

✓ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts Supporting this  
count in the space immediately below)

\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted this 11<sup>th</sup> day of July,

By:           /s/ Clint Reed            
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*Attorney for Plaintiffs*

I hereby certify that on this 11<sup>th</sup> day of July, I electronically transmitted the attached  
document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice  
of Electronic Filing.

By:           /s/ Clint Reed